

Filed for intro on 05/21/97  
SENATE BILL 2033 By  
Elsea

HOUSE BILL 2024  
By Walker

AN ACT to create a Family Court for Rhea County and to repeal Chapter 67 of the Private Acts of 1981, as amended by Chapter 197 of the Private Acts of 1992.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The Judge of the General Sessions Court of Rhea County upon being elected and qualified as judge of such court shall also be judge of the Family Court of Rhea County, hereinafter referred to as the family court.

SECTION 2. The family court is a court of record, and such court shall convene and be held five (5) days per week for fifty (50) weeks per year, excluding legal holidays, and at such other times and periods as required to provide for the orderly dispatch of all business properly before it. Such court shall be in continuous session without the intervention of any term, and such court shall be held when required to provide for the orderly dispatch of all business properly before it.

SECTION 3. (a) The family court shall have jurisdiction in all juvenile cases, proceedings, and all powers, duties and authority as provided by general law relative to the jurisdiction, authority, conduct, procedure, powers, duties and appellate review of the juvenile courts.

(b) The Juvenile Court Judge of Rhea County is hereby divested of all jurisdiction and authority, and all juvenile cases and proceedings, and all other matters involving incompetence, guardianship or conservatorship, and all other judicial functions presently or heretofore

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exercised by the Juvenile Court Judge of Rhea County; such jurisdiction and authority is hereby transferred to the family court.

SECTION 4. (a) The family court shall have concurrent jurisdiction, powers and authority with the chancery and circuit courts to hear and determine all cases of divorce, annulment, alimony and separate maintenance, support under interstate compacts, domestic relations, and all other proceedings and all other relief incident thereto together with full power and authority conferred upon the chancery and circuit courts to enforce all its orders, decrees and judgments.

(b) The authority, power and jurisdiction conferred by this act shall be coextensive with the boundary lines of the county.

SECTION 5. Appeals from the judgments of the family court arising under this act shall be to the court of appeals or to the supreme court in the same manner as provided in such cases from the chancery and circuit courts.

SECTION 6. All cases brought in the family court pursuant to this act shall be according to the form for pleadings and practice in the chancery and circuit courts, and such cases shall be tried as like cases are tried in the chancery and circuit courts. The Clerk of the family court, shall keep a docket of cases filed in such court and the procedure in each case, and shall enter orders and decrees according to practice and rules of the chancery and circuit courts. The judge of the court shall make and cause to be entered on record all such orders and decrees according to the practice and rules now in effect in the chancery and circuit courts.

SECTION 7. The judge of the family court shall be a licensed attorney and shall have the qualifications required for the courts of record provided in Tennessee Code Annotated, Section 17-1-106. Such judge shall take and subscribe to the same oath provided by law for chancellors and circuit court judges. The oath shall be taken and filed in the same manner and with the same officers as prescribed for chancellors and circuit court judges.

SECTION 8. The judge of the family court is prohibited from the practice of law in the state courts or any other courts, and may not engage in the practice of law in any other capacity notwithstanding any other laws, general or private, to the contrary.

SECTION 9. The family court may hear and determine all undisposed cases over which jurisdiction is conferred by this act and which are pending in the courts on the effective date of this act. Such cases shall be treated as if they had originated in the family court.

SECTION 10. The circuit court clerk shall be the clerk of all matters filed in the family court and all fees received by the clerk shall continue to be a part of the fees of the office. Necessary clerical help for the clerk shall be funded from the county general fund. The clerk shall make application to the judge of the family court or to the chancellor or the circuit court for authority to employ such help as is justified. Rhea County shall furnish the clerk adequate office space and equipment for the conduct of the affairs of the office.

SECTION 11. Chapter 67 of the Private Acts of 1981, as amended by Chapter 197 of the Private Acts of 1992, is repealed.

SECTION 12. If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the act which and can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

SECTION 13. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rhea County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 14. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective September 1, 1998, upon being approved as provided in Section 13.